

Attorney Docket: 81468-282980  
Client Ref: P-0202.011-US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF:  
BANINE et al.

Confirmation No.: 8495

Appln. No.: 09/943,758

Group Art Unit: 2853

Filed: September 4, 2001

Examiner: Nguyen, Lam S.

Title: LITHOGRAPHIC PROJECTION APPARATUS, DEVICE MANUFACTURING  
METHOD AND DEVICE MANUFACTURED THEREBY

April 20, 2007

**RESPONSE TO RESTRICTION REQUIREMENT**

The Commissioner for Patents  
United States Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In reply to the Office Action mailed March 21, 2007, Applicants hereby elect Species I, which includes claims 1-13, and 18-22, with traverse.

Applicants respectfully submit that the criteria for a proper restriction requirement as set forth in MPEP §803 have not been satisfied. MPEP §803 states that "If the search and examination of all of the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." (Emphasis added.) The Examiner has identified two species. Non-elected claims 15 and 16 have already been searched and examined multiple times. Claims 15 and 16 were included with the originally filed application, which has been pending for over five years, and at least six Office Actions, in which claims 15 and 16 were examined, have issued since 2003. Requiring restriction of the claims at this point in the proceedings is unnecessarily delaying prosecution and taking away patent term.

Applicants respectfully submit that because there is no serious burden to the Examiner to continue to examine all of the pending claims in this application, the restriction to the claims should be withdrawn.

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Prompt and favorable examination on the merits of all of the pending claims are respectfully requested.

Respectfully submitted,

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